

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

LIMELIGHT NETWORKS, INC.,
Plaintiff,

v.

Civil Action No. 3:15-cv-720-JAG

XO COMMUNICATIONS, LLC
and AKAMAI TECHNOLOGIES, INC.,
Defendants.

ORDER

This matter comes before the Court on the parties' cross-motions for summary judgment. (Dk. Nos. 218, 224.) The Court held a hearing on December 16, 2016, where the plaintiff, Limelight Networks, Inc. ("Limelight"), and the defendant, Akamai Technologies, Inc. ("Akamai"), each presented arguments and counter-arguments on the motions. For the reasons set forth in the accompanying Opinion, the Court (1) DENIES Limelight's motion and (2) GRANTS in part and DENIES in part Akamai's motion.

Limelight seeks summary judgment declaring that (1) Limelight does not infringe on Akamai's asserted '959 Patent, '088 Patent, or '133 Patent, (2) Akamai's asserted '178 Patent is indefinite, (3) Akamai infringes on Limelight's asserted '324 Patent, and (4) Akamai's late disclosure of invalidity contentions bars Akamai's arguments about the vagueness of Limelight's '577 Patent. The Court DENIES Limelight's motion.

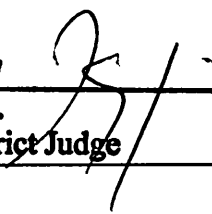
Akamai seeks summary judgment declaring that (1) the Limelight's asserted '324 Patent is invalid due to prior art, (2) Akamai does not infringe on Limelight's asserted '155 Patent, (3) Limelight's asserted '577 Patent is invalidly abstract, and (4) Limelight may not obtain pre-suit damages. The Court DENIES the motion as to the validity of the '324 Patent, whether Akamai

infringes on Limelight's '155 Patent, and Limelight's inability to seek pre-suit damages. The Court GRANTS the motion as to the '577 Patent and finds it invalidly abstract.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: March 13, 2017
Richmond, VA



John A. Gibney, Jr.
United States District Judge